

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: ZONING BYLAW AMENDMENT 18-816: POULTRY USE REGULATIONS
CC: FRANKLIN PLANNING BOARD
JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
GUS BROWN, ZONING ENFORCEMENT
AMY LOVE, PLANNER
DATE: JUNE 14, 2018

Department of Planning and Community Development (DPCD) was asked to draft a zoning bylaw amendment related to poultry.

As you know the Economic Development Committee discussed the proposed zoning changes at their June 6, 2018 meeting, and voted to send the issue to the full Council for consideration. If Town Council supports the changes I request it vote to refer the zoning bylaw amendment to the Planning Board for a public hearing. Please let me know if you have questions or require additional information.

Sponsor: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 18-816: POULTRY USE REGULATIONS,

**CHANGES TO CHAPTER 185, USE REGULATIONS
SCHEDULE PARTS I AND VII**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **Additions** and **Deletions** to §185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8:

185 Attachment 2
USE REGULATION SCHEDULE
PART I

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
- N = An excluded or prohibited use.
- BA = A use authorized under special permit from the Board of Appeals.
- PB = A use authorized under special permit from the Planning Board.
- P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
1. Agriculture, horticulture and floriculture														
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
1.2 Produce stand ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
1.4 Other, parcel under 5 acres:														
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. With other livestock or poultry	Y ²	Y ²	N	N	N	N	N	N	N	N	N	N	N	N
c. With no livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
d. With poultry	<u>Y³</u>	<u>Y³</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	PB	PB	PB	Y	N	Y	PB	PB	PB

NOTES:

- 1 For sale of produce raised or grown on the premises by the owner or lessee thereof.
- 2 Provided that any building or structure is at least 100 feet from the nearest street or property line.
- 3 Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Accessory Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
A1 Boarding	N		Y	Y	Y	Y	N	Y	Y	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N
a. Landscape materials storage and distribution	N		N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N
A3 Home occupation (See § 185-39B.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y ¹	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y ²	N	Y ²
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16 Wholesale office, salesroom														
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y ³	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A19 Agricultural with Poultry, parcel under 5 acres	Y⁵		Y⁵	Y⁵	Y⁵	Y⁵	Y⁵	N	N	N	N	N	N	N

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and CI District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.
- 5. Any related structure shall be to the rear of the property's primary building, and at least 25 feet from side and rear property lines.**

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



Planning Board
355 East Central Street
Franklin, Massachusetts 02038-1352

July 24, 2018

Teresa M. Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Zoning By-law Amendment #18-816

§185 Use Regulations Schedule Parts I and VII, Attachments 2 and 8

Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, July 23, 2018 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #18-815, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,


Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator
Deputy Town Administrator

RECEIVED
2018 JUL 24 P 1:09
TOWN OF FRANKLIN
TOWN CLERK

TOWN OF FRANKLIN
TOWN CLERK
2018 JUN 25 P 3:08
RECEIVED

Town of Franklin



Planning Board

The following notice will be published in the Milford Daily Newspaper on
Monday, July 9, 2018 and Monday, July 16, 2018

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on July 23, 2018 at 7:10 PM and the Town Council will hold a Public Hearing on August 8, 2018 at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Use Regulations Schedule Parts I and VII. Requirements of the Code of the Town of Franklin as follows:

ZONING BY-LAW AMENDMENT 18-816

Changes to §185, Use Regulations Schedule Parts I and VII, Attachments 2 and 8.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by allowing poultry set back from the side and rear of any structure be a minimum of 25 feet.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman
Franklin Planning Board

Matt Kelly, Chairman
Franklin Town Council